

REMARKS

Claims 1-9 are pending in this application. With the present submission, claims 1 and 4 are amended.

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as anticipated by Wieczorek et al. (U.S. Patent No. 6,207,563). Applicants respectfully traverse the rejection for two reasons.

First, the method of claims 1-9 includes:

step 1: depositing;

step 2: heat treating (also referred to broadly as silicide applying in claims 4-9); and

step 3: removing.

The claims also specify repeating these three steps. With the feature added to the claims via the present amendment ("a sequence of"), the claims describe the following method:

step 1; step 2; step 3; step 1; step 2; and step 3.

Such a sequence of steps is not taught by the applied prior art.

The first Wieczorek et al. embodiment discloses a method with analogous steps performed in the following order:

step 1; step 2; step 3; step 2.

The second Wieczorek et al. embodiment discloses a method with analogous steps performed in the following order:

step 1; step 2; step 3; step 2.

Accordingly, Wieczorek et al. cannot anticipate the claimed method.

For a second reason, Wieczorek et al. cannot anticipate the claimed method, because it does not teach the claimed step of repeating the "removing" step. That is, the claims recite a step of removing residual metal that did not react during the heat treating step (the heat treatment), and the claims further recite that this step is repeated.

Applicants remarked in the December 2, 2002 Reply to the first Office Action that the first Office Action did not identify any teaching in Wieczorek et al. of the repeated removal of residual metal that did not react during heat treatment. Applicants specifically requested that, if the Examiner ultimately decided to maintain the rejection, he would specifically indicate where in the Wieczorek et al. disclosure it supposedly taught the repeated removal of residual metal that did not react during heat treatment. No such indication has been provided.

The February 25, 2003 Office Action, in paragraph No. 3, the Examiner states that Wieczorek et al. teach a removal of metal in column 7, lines 7-10. Applicants acknowledge that Wieczorek et al. teaches a removal of metal in the cited text, but the text does not teach the *repeated* removal, which would be necessary to justify the rejection.

Paragraph No. 4 of the Office Action references applicants' previous argument that "Wieczorek et al. does not disclose the repeating step of the present invention." (As explained, the *claimed* "repeating" step includes the repetition of the "removing step.") That is, even if Wieczorek et al. teaches the repetition of the "depositing step," the "heat treating step," and the "silicide applying step," the claimed "repeating" step is not anticipated unless Wieczorek et al. also teaches repetition of the "removing step."

Paragraph No. 5 of the Office Action presents a response to this argument by stating that applicants argue that "Wieczorek et al. fails to disclose a 'repeating step' process of forming silicide layers at least more than once." However, the Office Action does not identify where in the December 2, 2002 submission applicants supposedly present that argument. (Applicants find no such argument.)

Paragraph No. 5 also present a citation of column 7, lines 63-68, and column 8, lines 1-12, as supposedly supporting the rejection. However, this cited text does not teach repeating the "removing step" as claimed.

Accordingly, applicants repeat their request that, if for some reason the Examiner decides to maintain the present rejection, he specifically indicate where in the Wieczorek et al. disclosure it supposedly teaches the repeated removal of residual metal that did not react during heat treatment. Applicants acknowledge past communications from the Examiner contending that Wieczorek et al. teaches this step; however, no communication ever indicated a particular statement in the reference, that is, column and line number, that teaches the step.

For at least the two reasons provided above, applicant request the withdrawal of the anticipation rejection under 35 U.S.C. § 102(e).

In view of the amendments and remarks above, applicants now submit that the entire application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is felt that this application is not now in condition for allowance, the Examiner

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is invited to contact applicants' undersigned attorney at the telephone number indicated below to arrange for disposition of this case.

In the event that this paper is not timely filed, applicants petition for an appropriate extension of time. The fees for such an extension, or any other fees which may be due, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,  
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